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AN ACT relative to the "Post-Conviction Procedure Act" and to
amend Tennessee Code Annotated, Title 40, Chapter 30,
Part 2.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 40-30-202(a), is amended by
substituting a comma for the period at the end of the section and adding the following language:

including any tolling or saving provision otherwise available at law or equity. Time is of
the essence of the right to file a petition for post-conviction relief or motion to reopen
established by this chapter, and the one (1) year limitations period is an element of the right to
file such an action and is a condition upon its exercise. Except as specifically provided in
subsections (b) and (c), the right to file a petition for post-conviction relief or a motion to reopen
under this chapter shall be extinguished upon the expiration of the limitations period.

SECTION 2. Tennessee Code Annotated, Section 40-30-202(b), is amended by deleting
the language "consideration of" and substituting instead the language "No court shall have
jurisdiction to consider".

SECTION 3. Tennessee Code Annotated, Section 40-30-202(b)(3)(c), is amended by
deleting the words "Section 40-30-218" and substituting instead the language "Section 40-30-
217".

SECTION 4. Tennessee Code Annotated, Section 40-30-205(a)(1)(7), is amended by deleting the word "transcripts".

SECTION 5. Tennessee Code Annotated, Section 40-30-206(d), is amended by adding the following language:

If, however, the petition was filed pro se, the judge may enter an order stating that the petitioner must file an amended petition that complies with this section within fifteen (15) days or the petition will be dismissed.

SECTION 6. Tennessee Code Annotated, Section 40-30-206(e), is amended by deleting the language "If a petition amended in accordance with Section 40-30-207(b)(2)" and substituting instead the language "If a petition amended in accordance with subsection (d) of this section

SECTION 7. Tennessee Code Annotated, Section 40-30-206(f), is amended by deleting the language, "or upon receipt of a petition amended in accordance with Section 40-30-207(b)(2)" and substituting instead the language "or upon receipt of an amended petition".

SECTION 8. Tennessee Code Annotated, Section 40-30-217(b), is amended by inserting the following language immediately after the first sentence:

The factual information set out in the affidavit shall be limited to information which, if offered at an evidentiary hearing, would be admissible through the testimony of the affiant under the rules of evidence.

SECTION 9. Tennessee Code Annotated, Section 40-30-217(c), is amended by deleting the language "accompanied by all of the documents" in the second sentence and substituting instead the language "accompanied by copies of all the documents".

SECTION 10. This act shall take effect upon becoming a law, the public welfare requiring it.